

Santa Clara Urban Runoff Pollution Prevention Program (SCVURPPP) Municipal Regional Permit for Stormwater Fact Sheet

INTRODUCTION

Stormwater flows are conveyed without treatment to local streams and ultimately to the Bay through the storm drain system. The Federal Clean Water Act requires public agencies to operate under an National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit for the discharge of stormwater to surface waters via the public agencies' storm drain systems.

The Santa Clara Valley Urban Runoff Pollution Prevention Program ("Program") is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District that share a common permit to discharge stormwater to South San Francisco Bay. The Program incorporates regulatory, monitoring and outreach measures aimed at reducing pollution in urban runoff to the "maximum extent practicable" to improve the water quality of South San Francisco Bay and the streams of Santa Clara Valley. The Program is organized, coordinated, and implemented in accordance with a Memorandum of Agreement (MOA). The Santa Clara public agencies received the very first nation-wide NPDES permit in 1990. Since that time the permit has been re-issued two times (1995 and 2001).

In the past nearly 20 years, we have received numerous local and national awards for our leadership and efforts to manage and minimize stormwater related impacts on water quality. For example, we received two US EPA First Place National Stormwater

Management Awards, one in 1993 and the second in 2006. We also recently received two national awards for our public outreach program, the 2006 National Association of Flood and Stormwater Management Agencies award for Excellence in Communication and the 2007 National Association of Environmental Professionals award for Education Excellence. In addition, we recently received two awards from the California Stormwater Quality Association for our trash management guidebook called the "Trash Tool Box" and our Green Gardener Training and Outreach Program, and the 2008 Integrated Pest Management (IPM) Innovator Award from the California Department of Pesticide Regulation for our Pesticide User Outreach Program. Further, the SCVURPPP monitoring and assessment program was audited by US EPA and they found that "*SCVURPPP has been a leader in the development and evolution of similar programs and permits across the country.*"

The next generation of the stormwater permit is being developed as a Bay Area Regional Permit for municipal stormwater, with 77 municipal agencies in the Bay Area covered by a single permit. The Tentative Order for the permit was originally released by the San Francisco Bay Regional Water Quality Control Board on December 4, 2007 and re-issued on February 4, 2009 (without direct responses to numerous comments presented at the March 11, 2008 Water Board hearing.). The revised Tentative Order is anticipated to be adopted by early summer for implementation in the 2009-2010 fiscal year.

NEW & EXPANDED REQUIREMENTS

Working with the San Francisco Bay Water Board staff we have requested that the new permit focus on the following priority areas:

- Consistent implementation of current performance standards;
- Phased-in implementation of measures consistent with currently adopted pesticide, mercury and PCB TMDLs;
- Focused and cost-effective efforts to address trash in or likely to be conveyed by stormwater into our waterways, with assessment work and data analysis informing the nature and location of the measures to be implemented.

- Limited and cost-effective monitoring linked to relevant management questions.

At present, these areas remain our highest priority, although the cost-effectiveness of these stormwater management measures is even more critical during the current economic downturn.

We appreciate that Water Board staff made significant changes to the standard operational components of the permit addressing municipal and industrial operations as well as construction inspection and public information and outreach, allowing flexibility in implementation toward stated goals and outcomes. However, our concerns regarding other provisions

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(e.g., monitoring and mercury and PCB control programs) were not adequately addressed, nor was there any attempt to set priorities among them and/or allow phasing-in of requirements over several permit cycles to take into consideration limited municipal resources.

While several of the proposed provisions are well aimed to improve water quality, the aggregate would place a considerable strain on public agency resources, particularly given the storm sewer infrastructure needs that also need to be addressed. Our concerns on specific permit provisions include the following:

New Development and Redevelopment Projects

- ⚠ New requirement regarding notification and Water Board approval of land development projects that propose to use vault-based treatment measures
- ⚠ Narrow definition of Alternate Compliance provisions eliminates application to roads and road widening projects
- ⚠ The permit assumes new requirements are effective immediately which is not realistic

Pollutants of Concern

- ⚠ Expanded efforts to address the impacts of trash and litter on local creeks, including the installation of structural devices to intercept trash and compliance with a new trash limit;

- ⚠ Evaluation and implementation of stormwater diversion to the sanitary sewer;
- ⚠ Abatement of sites identified to have elevated levels of PCBs or mercury
- ⚠ Significant resources required to address numerous pilot projects and investigations

Enforcement Programs

- ⚠ Highly prescriptive and burdensome requirements in the absence of any evidence that the ongoing conditionally exempt discharge program is not sufficient in terms of protecting water quality (e.g., significant water quality monitoring and reporting for planned and unplanned discharges of drinking water, for example hydrant flushing and line breaks.)

Monitoring and Special Studies

- ⚠ Special studies triggered based on monitoring results
- ⚠ Expanded and costly water quality monitoring efforts with no linkage to management questions;
- ⚠ Water quality testing and water quality driven operation for pump stations

Data & Reporting

- ⚠ Extensive data collection and reporting requirements ostensibly aimed at demonstrating program performance and permit compliance

NEXT STEPS

Comments due to the Water Board – April 3, 2009

Public Hearing currently scheduled - May 13, 2009

Adoption by Water Board – to be determined (anticipated July 2009)

FOR MORE INFORMATION

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All MRP documents are posted on the Water Board website: <http://www.waterboards.ca.gov/sanfranciscobay/mrp.htm>

For more information on the Santa Clara Urban Runoff Pollution Prevention Program: <http://www.scvurppp.org/>